

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ROBERT ALLEN STANDARD,

CASE NO. C19-0017JLR

Plaintiff,

ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION

SPECIAL INVESTIGATIVE
AGENT NOLAN, et al.,

Defendant.

Before the court is Plaintiff Robert Allen Stanard’s motion for reconsideration (Dkt. # 35) of the court’s order (1/14/20 Order (Dkt. # 33)) adopting Magistrate Theiler’s report and recommendation (R&R (Dkt. # 28)) and granting Defendants Nolan, Dan Sproul, Ian Connors, and Mary Mitchell’s (collectively, “Defendants”) motion to dismiss (MTD (Dkt. # 15)). For the reasons stated below, the motion is DENIED.

ORDER - 1

1 Pursuant to Local Civil Rule 7(h)(1), motions for reconsideration are disfavored,
2 and the court ordinarily will deny such motions unless the moving party shows (a)
3 manifest error in the prior ruling, or (b) new facts or legal authority which could not have
4 been brought to the court's attention earlier with reasonable diligence. Local Rules W.D.
5 Wash. LCR 7(h)(1).

6 Mr. Nolan presents no new facts or legal authority that could not have been
7 brought to the court's attention earlier with reasonable diligence. (*See generally* Mot.)
8 Instead, Mr. Nolan asserts that the court failed under the *Bivens* analysis to properly
9 determine whether or not his alternative remedy was adequate or determine what special
10 factors lead to the court's conclusion that Congress, not the courts, have the authority to
11 authorize a suit for money damages. (*See* MFR at 1-3; *Bivens v. Six Unknown Federal*
12 *Narcotics Agents*, 403 U.S. 388 (1971).) These issues were fully analyzed and discussed
13 in both the report and recommendation and this court's order adopting the report and
14 recommendation. (*See* R&R at 7 (determining that the plaintiff had the adequate
15 alternative remedy—and in fact utilized this remedy—available to him under the Bureau
16 of Prisons' administrative remedy program); *id.* (analyzing Congress's involvement in
17 the area of prisoner civil rights as a factor that weighs against extending *Bivens*);
18 1/14/2020 Order (adopting the report and recommendation's *Bivens* analysis in full).)

19 Because Mr. Nolan has not made a showing of manifest error in the court's prior
20 ruling or brought to the court's attention any new facts or legal authority that could not

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1 have been brought to the court's attention earlier with reasonable diligence, the court
2 DENIES Mr. Nolan's motion for reconsideration (Dkt. # 35).

3 Dated this 21st day of February, 2020.

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JAMES L. ROBART
United States District Judge